

United States Government

Department of Energy
Bonneville Power Administration

memorandum

DATE: July 15, 2004

REPLY TO
ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-160)

TO: Sabrina Keen
Fish and Wildlife Project Manager, KEWU-4

Proposed Action: Protect and Restore the Lapwai Creek Watershed

Project No: 1999-017-00

Watershed Management Techniques or Actions Addressed Under This Supplement Analysis

(See App. A of the Watershed Management Program EIS): 61.5 Install Grade Control Structures and Check Dams; 1.8 Bank Protection Through Vegetation Management; 2.1 Maintain Healthy Riparian Plant Communities; 2.2 Plant/Protect Conifers in Riparian Areas For Thermal Cover; 2.7 Avoid Exotic Species; 6.10 Access: Fencing; 7.18 Road Closure; 8.17 Seed and Species Selection; 8.20 Mulching; 9.22 Construction: Erosion and Sediment Control Plans

Location: Lapwai Creek Watershed, Nez Perce Reservation, Nez Perce County and Lewis County, Idaho, near Lewiston, Idaho

Proposed by: Bonneville Power Administration (BPA) and the Nez Perce Tribe Department of Fisheries Resource Management-Watershed Division

Description of the Proposed Action: The proposed restoration and protection of the Lapwai Creek Watershed will assist in the recovery and restoration of fish and wildlife habitat. All activities will take place within the ceded territories of the Nez Perce Tribe (See attached Project Area Map). Activities include placement of grade control weirs to allow fish passage, road decommissioning, and installation of fencing to prevent livestock access to sensitive wetlands and riparian areas.

Grade Control Cross-Vein Weirs: An existing culvert on Sweetwater Creek (tributary to Lapwai Creek) is a barrier to juvenile fish. This culvert is considered the highest priority for fish passage work in the Lapwai Creek Watershed by the Nez Perce Tribe Department of Fisheries Resource Management-Watershed Division. The existing culvert is as wide as the active stream channel but has a one foot drop at the culvert outlet. To facilitate passage for juvenile fish, 3 grade control cross-vein weirs will be constructed below the outlet of the culvert to raise the streambed in order to get substrate through the culvert. The weirs will be constructed of rock boulders obtained near the site and the area behind the weirs will be filled with native on-site material to create a stream simulation type environment allowing passage of aquatic organisms. Mitigation measures will include the use of construction best management practices, site rehabilitation after construction, and monitoring to ensure the weirs are functioning as designed.

Disturbed areas, including adjacent stream banks, will be replanted with native trees and grasses to ensure long-term bank stabilization.

Road Decommissioning: Road decommissioning (obliteration) will be done on approximately 6 miles of roads along the West Fork of the Sweetwater Creek Drainage. Roads to be decommissioned will be surveyed to determine the best obliteration treatment for each road segment. Decommissioning practices vary depending on stability and the types of problems associated with each segment of a road. Depending on the needs at each road segment, decommissioning may include culvert removal, road surface decompaction or scarification, restoring natural drainage patterns, installing earth barriers at road approaches to prevent motorized access, removing fills at risk of failure, and reshaping unstable fill and cut banks to their natural slopes. Site-specific mitigation measures will be implemented to prevent damaging levels of sediment from entering streams. Decommissioned areas will be revegetated and mulched. Post obliteration monitoring and evaluation surveys will be done to ensure that decommissioning was effective and there are no unanticipated effects.

Fencing: Restoration of wetland areas is done as a way of improving water quality and quantity. Restoration can increase summer low-water flows because wetlands serve as a source of water that gradually discharges into streams. Wetlands also decrease high flow events through functioning as water storage area during high flow events. They also can decrease water temperature because they are vegetated and therefore have a shaded water surface. Passive wetland restoration will be accomplished by constructing approximately 1 mile of fencing, to prevent use of the wetland area by livestock. Areas to be fenced will be chosen based on their physical condition, their potential influence on water quality, and the effect they could have on fish diversity and productivity, if undisturbed by livestock.

Analysis: Emmit E. Taylor Jr., Biologist III for the Nez Perce Tribe Department of Fisheries Resource Management-Watershed Division completed the compliance checklist for this project (attached and signed by Mr. Taylor on June 1, 2004). The project meets the standards and guidelines for the Watershed Management Program Environmental Impact Statement (EIS) and Record of Decision (ROD).

The U.S. Fish and Wildlife Service office in Idaho was contacted for information on species proposed for listing or listed under the federal Endangered Species Act (ESA) that could occur in the project area. A letter from the Idaho Snake River Fish and Wildlife Office (dated March 22, 2004, attached) states that no proposed species or critical habitat for listed or proposed species are within the project area. One listed species under USFWS jurisdiction may occur in the project area: gray wolf (experimental/non-essential population). Two species under the NOAA Fisheries jurisdiction are known to occur in the project area: fall-run Chinook salmon and Snake River Basin steelhead.

There will be no effect to gray wolf resulting from this project. The Nez Perce Tribal Wildlife Department (Keith Lawrence, director) and the Idaho Fish and Game Department (Jay Crenshaw Wildlife Manager, Clearwater Region) have no knowledge of recorded gray wolf sightings or denning activities within the Big Canyon Creek Watershed (see attached letter, from Emmit E. Taylor, dated June 14, 2004).

Section 7 consultation for ESA listed anadromous species (fall-run Chinook salmon and Snake River Basin steelhead) was done under the NOAA Fisheries programmatic Habitat Improvement Program Biological Opinion (HIP BO) and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) Consultation, issued by NOAA Fisheries on August 1, 2003. The HIP BO was the result of programmatic consultation on BPA's Habitat Improvement Program (HIP) in the Columbia River Basin. The HIP BO document also covers consultation on EFH habitat.

BPA determined that the proposed project, when conducted in accordance with the applicable, non-discretionary, HIP BO terms and conditions, meets the requirements of the HIP BO (attached authorization letter from BPA to Emmitt Taylor, dated July 1, 2004). Information supporting this conclusion are attached to this SA, including the Consistency Form for the HIP BO process and a summary of the applicable HIP BO information, including the non-discretionary terms and conditions that must be followed.

The fencing portion of the project will have no effect on listed species. Activities will all be conducted at least 50 feet from the water and the only ground disturbance will result from pounding in fence posts, which will not cause any sediment to enter the stream.

BPA initiated Section 106 consultation under the National Historic Preservation Act with the Deputy State Historic Preservation Officer (SHPO) on June 2, 2004. A cultural resources review of the proposed project site is being completed by the Nez Perce Tribe Cultural Resources Department for the project, prior to implementing any ground disturbing activities. This review will include a literature search and a field survey by a qualified Tribal cultural resource specialist. The cultural resources report will be submitted to the SHPO, along with a determination of whether historic properties will be affected, for concurrence. If any cultural or historic resources are identified in the project area, appropriate mitigation will be done, in conjunction with the SHPO and the Tribes. If cultural deposits are found during any phase of the proposed project, if the nature of the undertaking changes, a cultural resource specialist will be contacted immediately.

Standard protection measures, for activities in or near streams and wetlands will be followed during the implementation of the project. The HIP BO non-discretionary terms and conditions include mitigation measures for construction activities. The installation of weirs and associated in-stream work needs permit approvals, including a Section 404 Clean Water Act permit, and work is not authorized to begin until the applicant has obtained all required permits and approvals. The road decommissioning work will not require a permit because the roads to be decommissioned parallel creeks and instream work is not required. If the work should change, no work will be authorized to begin until the applicant has obtained all required permits and approvals.

Public involvement has taken place as part of the planning process for the proposed project. Fencing and road decommissioning will take place on Nez Perce Tribal lands. Tribal programs and the public will be given an opportunity to comment on the project as part of the Tribal NEPA process, currently underway. The Nez Perce Tribe Watershed Program holds periodic public meetings to inform landowners about the project and to solicit comments.

Findings: The project is generally consistent with the Northwest Power Planning Council's Fish and Wildlife Program, as well as BPA's Watershed Management Program EIS (DOE/EIS-0265) and ROD. This Supplement Analysis finds that: 1) implementing the proposed action will not result in any substantial changes to the Watershed Management Program that are relevant to environmental concerns; and 2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the Watershed Management Program or its impacts. Therefore, no further NEPA documentation is required.

/s/ Kimberly St. Hilaire

Kimberly R. St.Hilaire

Environmental Protection Specialist – KEC-4

CONCUR:

/s/ Thomas C. McKinney

Thomas C. McKinney

NEPA Compliance Officer

DATE: July 15, 2004

Attachments:

Project Area Map

NEPA Compliance Checklist

USFWS Species Letter, Snake River Fish and Wildlife Office, March 22, 2004

Letter from Nez Perce Tribe documenting No Effect on Listed Species from Proposed Fencing Activities, dated June 14, 2004

HIP BO Authorization Letter from BPA to Nez Perce Tribe, dated July 1, 2004

HIP BO Form 1: Habitat Improvement Program Biological Opinion (HIP Opinion) consistency Form

Summary of HIP Biological Opinion Information for Select Categories of Actions

cc: (w/ attachments)

Emmit E. Taylor Jr., Nez Perce Tribe Department of Fisheries Resource Management-
Watershed Division